IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Crl.MC.No. 3980 of 2006()

CC.1793/2003 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOLLAM

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PETITIONER:

RAJENDRAN PILLAI, PULIPPARA
PADINJATTATHIL, KOTTAKKAKOM,
CHAVARA, KOLLAM.

BY ADV. SRI.K.RAVEENDRAN
SRI.ANIL KUMAR M.SIVARAMAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. GEETHA.P., W/O.SANTHOSH,
ELAMPALLOOR VADAKKATHIL, SAKTHIKULANGARA P.O.,
KOLLAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.NO.3980 OF 2006

Dated this the 6th day of December, 2006.

ORDER

The petitioner faces indictment in a prosecution under Section 138 of the N.I Act. Proceedings were initiated as early as in 2003, which is evident from the number of the case as C.C.No.1793 of 2003. The petitioner had entered appearance and was enlarged on bail. But consequent to his non appearance before the learned Magistrate on the dates of posting, a non bailable warrant has been issued against the petitioner. Proceedings are pending before the learned Magistrate and the petitioner apprehends that he may be arrested at any moment. The petitioner has come to this Court with a prayer that direction under Section 482 Cr.P.C may be issued, to release him on bail when he surrenders and applies for bail.

2. It is certainly for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the application for bail on merits, in accordance with law and expeditiously. Every court

must do the same. No special or specific directions appear to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police** [2003(1) KLT 339].

3. In the result, this Crl.M.C is dismissed. But with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

4. Hand over a copy of this order to the learned counsel for the petitioner today itself.

R.BASANT
JUDGE

rtr/